



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

## **CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2000547  
**Applicant Name:** Sandjay Properties, LLC  
**Address of Proposal:** 2914 East Madison Street

### **SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for the future construction of a four-story mixed use building with approximately 3,550 general retail sales and service space, 17,800 square feet of customer service office and four apartments. Parking to be provided in an at grade garage and accessed from East Madison Street.

The following approvals are required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code (SMC)

**Design Review** - Chapter 23.41, SMC

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition,  
or involving another agency with jurisdiction.

### **BACKGROUND DATA**

#### Site Description

The approximately 13,000 square foot lot is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2-40'). The relatively flat site is located to the north of East Madison Street between 29<sup>th</sup> Avenue East and 31<sup>st</sup> Avenue East. The site is adjacent to the University of Washington Arboretum.

### Area Development

Development along the north side of East Madison Street is mixed and includes a mixed use buildings and commercial uses. The zone to the northwest, adjacent to the back of the property is zoned Lowrise 1 (L1).

### Project Description

The applicant proposes to construct a four-story mixed use building of with retail, office and residential uses. Parking will be located at-grade.

### Public Comment

No comments were received during the official comment period which ended November 21, 2001.

## **ANALYSIS - DESIGN REVIEW**

### **EARLY DESIGN GUIDANCE**

On August 1, 2000 the At-large Design Review Board held an early design public meeting to review the site and vicinity, the architect's program objectives and hear public comment, with the goal of identifying those City-wide Design Guidelines of highest priority to this site. The Board's priorities are summarized as follows:

### **BACKGROUND INFORMATION:**

The site consists of three platted lots and is located on East Madison Street. The site shares a rear lot line with the University of Washington Arboretum. It is relatively flat and begins to slope down to the Arboretum at the northeast edge. The site is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2-40) and abuts a Lowrise 1 (L-1) zone to the north and NC2-40 to the west. Across E. Madison is a Neighborhood Commercial 3 Zone (NC3-40). The proposal calls for a four story mixed use building with on-grade parking for approximately 20 vehicles. Retail and parking would occupy the ground level with 2 floors of office space and one floor of residential above.



### Priorities

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

## Public Comments

There were no public comments regarding this initial plan.

### **A      *Site Planning***

#### **A-1      Responding to Site Characteristics**

The siting of buildings should respond to specific site conditions and opportunities.

The board affirmed the proposal's proposed conceptual massing, access and initial architectural approach. The Board suggested that the applicant design an appropriate architectural response to the Arboretum at the east corner of the building i.e. the building corner nearest the vehicular access and the Arboretum edge. The Board expressed their desire to see the building form reflect the unique opportunity to respond to the adjacent Arboretum location and potential for views over and into the Arboretum.

#### **A-3      Entrances Visible from the Street**

Entries should be clearly identifiable and visible from the street.

The Board requested that the auto entry be minimized and that the street entries be interestingly detailed.

#### **A-4      Human Activity**

New development should be sited and designed to encourage human activity on the street.

The Board asked that all entries and the façade present a human scale and activity. They suggested that the building have interesting modulation to create landscape areas that will be cut back from the sidewalk property line and agreed with the architect that bay windows with landscape strips and notches for landscaping could achieve that effect. It was suggested that the east corner of the building be designed to encourage street level activity and a sense of arboretum view and proximity.

#### **A-5      Respect for Adjacent sites**

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings

The Board suggested that special attention be evident in the design response to the neighboring Arboretum. They also suggested that the designer examine the building to the west for a proper response in this new building. The front 20 feet of this building's west facade should respond in some way to the adjacent building's form and uses.

#### **A-6      Transition between Residence and Street**

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The board urged the applicant to consider something to create privacy for the different residential units. They suggested the architect look at interesting configurations for individual decks and units. The Board suggested the applicant explore innovative options to create a roof top residential configuration and would consider design departures to help realize a good plan.

#### **A-7 Residential Open Space**

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board suggested that there be more residential open space along Madison at the residential upper level. They suggested architectural elements such as trellises, trees and vines. The Board affirmed the applicant's proposal for open space to capture the Arboretum and treetop views to the northeast.

#### **A-8 Parking and Vehicle Access**

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board thought the vehicle access was well-sited and suggested minimizing any vehicular circulation impact on pedestrians along Madison. Parking would be screened along the L-3 zone to comply with code requirements.

#### **A-10 Corner Lots**

Buildings on corner lots should be oriented to the corner and public street fronts.

The Board suggested that the eastern corner of the building along Madison be treated like the corner of a corner lot and that the design should celebrate the location.

### ***B Height, Bulk and Scale***

#### **B-1 Height, Bulk and Scale**

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.

The Board thought that the building should address both Madison and the commercial building to the west by transitioning with elements that reduce the height, bulk and scale of the proposed building. The Board suggested street level architectural and landscape details, like interesting windows, site furniture, and façade articulation to create a finer, more intimate scale along Madison and along the western facade.

### ***C Architectural Elements and Materials***

#### **C-1 Architectural Context**

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The board agreed with the applicant that in order to fit in with the neighborhood architecture the proposed building would need to have a similar texture in its materials and be relatively small in scale. The building should have a sense of a "soft" building rather than a "hard edged" commercial space. The Board pointed out that the E. Madison commercial area was beginning to have a look of its own and affirmed the ir support of the architect's desire to create a building of similar texture to complement the site and the neighboring buildings.

## **C-2 Architectural Concept and Consistency**

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board asked the applicant to work within the evolving neighborhood character and to add the Arboretum as a major design parameter as well. They asked the applicant to note distinctive neighborhood design elements and to develop some of them in this design. The Board asked the applicant to provide contrast in the proposed building materials; brick, accent materials, glazing and pedestrian amenities. The board suggested stepping the building back from the street, and adding modulation and greenery opportunities on several building levels.

## **C-3 Human Scale**

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

The Board noted that this sidewalk will have more pedestrian use and urged the applicant to explore awnings or a combination of canopy and awnings.

## **C-4 Exterior Finish Materials**

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The discussion centered on the abundance of wood siding used on nearby buildings and the Board agreed with the applicant that this is an appropriate material. The Board also thought brick would be apropos.

## ***D Pedestrian Environment***

### **D-1 Pedestrian Open Spaces and Entrances**

Provide convenient, attractive and protected pedestrian entries.

The Board suggested that the applicant provide some residential open space along Madison with some landscaping at the ground level with articulated shops and pedestrian-oriented architectural features.

### **D-2 Blank Walls**

Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

The Board suggested there be no blank walls including the wall facing the commercial building to the west.

#### **D-4 Design of Parking Lots near Sidewalks**

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

Landscaping in and near the parking lot and vehicle entrance should be high quality and be designed to have a significant “green” presence. The design should provide opportunities for landscaping on all levels of the building.

#### **D-5 Visual Impacts of Parking Structures**

The visibility of all at-grade parking structures or accessory parking garages should be minimized.

The Board thought landscaping should be used to help minimize the parking.

#### **D-6 Screening of Dumpsters, Utilities and Services Areas**

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.

The Board affirmed their support for an indoor trash and recycling room.

### ***E Landscaping***

#### **E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites**

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board asked the applicant to consider using the Arboretum as a key to providing design continuity for the whole of the project.

#### **E-2 Landscaping to Enhance the Building and/or site**

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The Board encouraged the applicant to use landscape elements to address many issues: human scale, street activity, response to neighboring sites, open space, and the appearance of height and bulk.

#### **E-3 Landscape Design to Address Special Site Conditions**

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The Board wanted to see a response to the Arboretum in landscape concept as well as in an architectural concept.

## RECOMMENDATION

The applicant applied for the MUP (Master Use Permit) June 26, 2001. The Design Review Board was reconvened to review the project design. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans, and renderings, the Design Review Board members unanimously recommended **approval** of the proposed design with the following conditions and approved departures from development standards.

Design departure requests for MUP 2000547

Code Section	Development standard	Provided	Departure requested	Board Recommendation
23.47.014 B2b	Side lot line which abuts a side lot line of a residentially zoned lot must be 10 for portions of structures above 13 feet.	5 feet is provided for a length of 40 feet.	5 feet departure for a length of 40 feet.	Approved
23.47.014 B4b	For mixed use rear lot line which abuts a lot line of a residentially zoned lot must be 15 feet for portions of the structure above thirteen feet.	5 feet for the full length of the building.	5 feet for the length of the building.	Approved
23.47.014 E1	Decks and balconies with open railings may extend into the required setback.	Some solid wall, some railing	Solid wall for the length of the building.	Approved

## ANALYSIS AND DECISION - DESIGN REVIEW

The Director accepts the Board's recommendations. A review of the recommendation of the Design Review Board members finds their guidance to be consistent with the City of Seattle Design Review *Guidelines for Multifamily and Commercial Buildings*. The director therefore approves the proposed design as shown on plans as of May 11, 2004 with the recommendations as stated above.

The proposed design and requested departures as identified above are **APPROVED** with no conditions.

## ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 21, 2001 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

### Noise

Surrounding uses are likely to be slightly impacted by noise throughout the duration of construction. The limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted.

To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 a.m. to 5:00 p.m. and Sundays from 10:00 a.m. to 5:00 p.m.

Hours on weekdays may be extended from 6:00 p.m. to 8:00 p.m. on a case-by-case basis. All evening work must be approved by the DPD Planner prior to each occurrence.

Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on residents living in



the vicinity of the construction. Restricting the ability to conduct these tasks would extend the construction schedule; thus, the duration of associated noise impacts.

DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD.

### Long-Term Impacts

Long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased on-site; noise; demand for public services and utilities; and light and glare and historic preservation.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, additional land use impact, which may have long-term effects are discussed below.

Additionally, City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **CONDITONS - DESIGN REVIEW**

#### **Non-Appealable Conditions**

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

### **CONDITIONS SEPA**

#### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 a.m. to 5:00 p.m. and Sundays from 10:00 a.m. to 5:00 p.m.

Hours on weekdays may be extended from 6:00 p.m. to 8:00 p.m. on a case-by-case basis. All evening work must be approved by the DPD Planner prior to each occurrence.

Signature: \_\_\_\_\_ (signature on file) Date: May 17, 2004  
Holly J. Godard, Land Use Planner  
Department Planning and Development

HJG:bg